

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

JOYCE JACKSON,

Plaintiff,

v.

THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA,

Defendant.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant, The Guardian Life Insurance Company of America, (“The Guardian”) incorrectly identified in the complaint in the underlying state court action as “Guardianship Group Life Insurance,” files this notice of removal removing this case from the Probate Court of Shelby County, Tennessee. In support of the removal, The Guardian states as follows:

1. Plaintiff, Joyce Jackson, is a resident of Shelby County, Tennessee.
2. Defendant, The Guardian Life Insurance Company of America, is a New York corporation with its principal place of business in New York, New York.
3. Plaintiff claims that her brother, Richard Jackson, was provided group life insurance by his employer and that The Guardian issued the group life insurance policy. Plaintiff claims that she is the beneficiary of the group life insurance provided to her brother. Although the complaint asserts, incorrectly, that the policy provided death benefits of \$60,000, in fact the amount of death benefits totaled \$123,808.77.
4. This is a civil action that could have been brought in this Court pursuant to the provisions of 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties and the amount in dispute exceeds, exclusive of interest and costs, the sum of \$75,000.

5. In addition, this is a civil action that arises under the provisions of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.* (“ERISA”). As noted, the claim is related to an employee welfare benefit plan established by an employer for the benefit of employees and is governed by ERISA. Accordingly, Guardian submits this action is properly removable under 28 U.S.C. § 1441, and this Court has original jurisdiction over this matter under 28 U.S.C. § 1331 and 29 U.S.C. § 1132(e) (ERISA jurisdiction) because plaintiff’s claim against Guardian is preempted by ERISA and falls within ERISA’s civil enforcement provisions. 29 U.S.C. § 1132(a).

6. The Guardian was served with process in the State Court Action on or about March 11, 2014. This Notice of Removal is filed within thirty (30) days of the date of service of process.

7. Attached to this Notice of Removal is a copy of all process, pleadings, orders, and other filings served upon The Guardian in the State Court Action.

8. The Guardian has served a copy of this Notice of Removal on all parties to the State Court Action, and has filed with the Clerk of the Probate Court of Shelby County a Notice that this action has been removed to this Court.

Respectfully Submitted,

/s/ H. Frederick Humbracht

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal is being forwarded via U.S. Mail to:

Kim G. Sims
1279 Lamar Avenue,
Memphis, TN 38104

on this the 4th day of April, 2014.

/s/H. Frederick Humbracht

H. Frederick Humbracht